

OPEN MEETING GENERAL GUIDELINES

OVERVIEW:

The purpose of the Act is to promote openness and accountability in government and to prevent government from conducting the public's business in secret. The legislature has determined that citizens are entitled to have a say in how public policy is formed. The Act provides general guidelines as to how meetings of public bodies (such as the BHOC) are to be arranged and conducted. Anyone who knowingly violates any provision of the Open Meetings Act is subject to prosecution for a Class IV misdemeanor.

NOTICE AND AGENDA:

Reasonable advance notice must be given for all public meetings. The time and place must be included in the notice. The notice must be "publicized", which is not defined in statute, but the word implies that the notice must be brought to the attention of the public by some reasonable method. The method that the notice is to be given is to be designated by the BHOC and is to be recorded in its minutes. Both the BHOC and the public must have notice that the meeting will take place.

The notice shall contain an agenda of subjects to be addressed that are known at the time the notice is published. An agenda must be kept current and may not be altered later than 24 hours before the scheduled public meeting.

A meeting may be held by means of videoconferencing if:

- reasonable advance publicized notice is given
- reasonable arrangements are made to accommodate the public's right to attend such a meeting
- at least one copy of all documents is available to the public at each site of the videoconference
- at least one member of the BHOC is present at each site
- no more than one-half of the committee's meetings in a calendar year are held by such manner.

The BHOC is required to maintain a list of the news media that are requesting notification of meetings and shall make reasonable efforts to provide advance notice of the time and place of each meeting and the subjects to be discussed at the meeting.

MINUTES:

Minutes must be kept of all meetings by the Committee, showing the time, place, members present and absent, and a summary of all matters discussed. Any action taken should be recorded by roll call vote in open session following a duly moved and seconded motion. Minutes should indicate how each member voted, or if absent or not voting. The vote to elect leadership within the public body may be taken by secret ballot, but total number of votes for each candidate must be recorded in the minutes. The minutes of all meetings and evidence or

documentation received or disclosed during open session is considered public records, open to public inspection. Minutes must be available within 10 working days or prior to the next meeting, whichever occurs first.

EMERGENCY MEETINGS are possible to schedule without advance public notice if circumstances call for immediate action. The news media is to be notified and the reason for the emergency meeting must be recorded in the minutes. It is possible to conduct emergency meetings via telephone. Complete minutes of the emergency meeting must be available no later than the end of the next business day.

CLOSED SESSIONS may be held if called by a majority vote of the members (not simply the majority of members present) if it is necessary to protect the public interest or prevent needless injury to an individual's reputation. Examples that would necessitate a closed meeting:

- Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation
- Discussion regarding deployment of security personnel or devices
- Investigative proceedings regarding allegations of criminal misconduct
- Evaluation of the job performance of a person

The vote to hold a closed session shall be taken in open session and recorded in the minutes. The closed session meeting is limited to the subject matter that came up for vote. Any member of the committee shall have the right to challenge the continuation of a closed session if he/she determines that the session has exceeded the reason stated to hold a closed session. Such challenge shall be overruled only by a majority vote of the members of the committee. Such challenge and its disposition shall be recorded in the minutes.

MEETINGS:

The public has the right to attend and to speak at meetings. The meeting may be videotaped, photographed or broadcast by the public. BHOC has the right to make and enforce reasonable rules regarding the conduct of persons attending. No member of the public is required to identify themselves as a condition for admission to the meeting. The BHOC may require a member of the public to identify themselves if they choose to speak. The BHOC shall not require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak. The meetings must be held in a place large enough to accommodate the anticipated audience. It is possible to hold meetings outside the state if the statutory requirements are met, which include publishing notice of the out of state meeting at least 21 days before the date of the meeting in a legal newspaper. The BHOC shall make at least one copy of the written material to be discussed at the meeting at these out-of-state meetings. The committee shall make available an in-state location for a telephone conference call or videoconference when there is an out-of-state meeting planned.